



State of Delaware Department of Human Resources

DUAL INCUMBENCY OPERATING PROCEDURE

Department of Human Resources (DHR) Statewide Operating Procedure #: To be assigned.	Authority: Merit Rules 3.2, 10.8; State Budget Act
Effective Date: May 27, 2020	Supersedes: N/A
Application: Executive Branch Agencies	

1. ELIGIBILITY

Agencies requesting the filling of a dual incumbency.

2. POLICY/REGULATION

In accordance with Merit Rule 10.8 Dual Incumbency (DI), employees may temporarily occupy the same position as a paid primary incumbent with the approval of the Department of Human Resources (DHR) Secretary. Agencies may request to assign two employees to the same budget position number, and both the primary and secondary incumbents are compensated. The secondary incumbent **MUST** meet the job requirements of the position to which she/he is temporarily promoted. The request will be considered for (1) absences due to the primary incumbent receiving paid leave for the Family and Medical Leave Act, illness, or on short-term disability (STD); (2) planned and proper knowledge transfer due to the scheduled separation of a primary incumbent; (3) the purpose of completing a special project requiring a limited-term incumbent for the length of the project; (4) an Emergency resulting from a Governor's declaration; or (5) a Personnel Matter resulting in the primary incumbent being placed on paid leave.¹

- a. A DI for medical leave or STD is for the duration of the paid medical leave not to exceed the exhaustion of STD, which is 182 days. The vacancy must be filled through competitive selection by the 183rd day.²
- b. A DI for knowledge transfer is for a period commensurate with the level of complexity of work not to exceed 90 days. The vacancy must be filled through competitive selection by the 91st day.

¹ An employee may perform the duties of a higher position in an emergency or in relief of another employee for up to 30 calendar days without an increase in salary. However, if such performance is required for a period in excess of 30 calendar days, the employee shall be temporarily promoted and compensated accordingly. When it is known, prior to assigning higher-level duties to an employee, that the temporary assignment will extend beyond 30 days but no more than 90 days, an employee may be temporarily promoted with or without competition. However, competitive selection is required on the 91st day in all cases when an assignment extends beyond 90 days, except when the temporary promotion is due to an absence on approved short-term disability when competitive selection is required on the 183rd day.

² The employing organization may not permanently fill an employee's position while the short-term disability claim is in an approved status. (<https://dhr.delaware.gov/benefits/disability/documents/faq-sec-2.pdf?ver=0430>)

- c. A DI for a special project is for the term of the project and is approved by fiscal year. Competitive selection is required by the 91st day. A request for extension must be submitted by May 15th preceding the Fiscal Year during which the request is effective.
- d. A DI for an Emergency is for the duration of the leave not to exceed the period of any specially approved Federal Leave and State Leave, unless it results in STD as stated in (a).
- e. A DI for a Personnel Matter expires when the personnel matter is decided. Competitive selection is required by the 91st day, if applicable.

3. OPERATING PROCEDURES

- a. The Dual Incumbency (DI) Request shall be submitted with all required sections of the form completed and any required data/documents to the DHR Central Classification and Compensation (C/C/C) office with a copy to the Agency's appointing authority and fiscal designee.
- b. If an Agency requests approval to hire a dual incumbent, the Agency prepares and submits a completed DI Request form with required documents to the DHR-Class-Comp@delaware.gov mailbox with a copy to the Department's Appointing Authority or Designee and a copy to their Agency Fiscal Authority.
 - The Signature section appears first on the Form to be completed by the appropriate parties at the end of the process.
 - Agency Human Resources (HR) representative completes Parts 1, 2, 3, and 4 under sections designated for Agency Human Resources.
 - In Part 1, the name of the Agency Fiscal Designee, whether it is an Initial or Renewal request, and the Agency HR representative's contact information must be entered.
 - In Part 2, the Agency and requested information must be entered.
 - In Part 3, all columns are to be completed except for Total Cost. This last column contains an embedded formula.
 - In Part 4, the reason for the DI is to be described.
- c. Once received at C/C/C, the C/C/C Administrative representative (C/C/C Admin) logs the request into the Central Tracking System (CTS) log and sends Agency HR receipt response. Each step in the process will be logged into the CTS by this representative.
- d. The DI Request will be evaluated only when all the required information is submitted.
- e. The DHR C/C/C representative assigned may schedule a conference call with the Agency HR representative to review the request and its priority among other requests submitted by the Agency.

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- f. If there are any questions about the costs associated with the request, the Agency's Budget Analyst will contact the Agency's Fiscal Office.
- g. The C/C/C Admin provides the request with the final determination to the Office of the DHR Secretary for signature.
- h. The C/C/C Admin notifies the Agency HR representative when the DHR Secretary has signed the request within any required time frames and forwards the document to the Office of Management and Budget.
- i. When the request is fully executed (signed by all three (3) signatories), C/C/C Admin notifies the Agency HR representative of process completion and returns the request with results to the Agency HR representative for implementation. HR is responsible for notifying and providing a copy to the Agency Fiscal Designee.
- j. Agency HR proceeds with the implementation of the DI appropriately in PHRST.

4. EXCLUSIONS OR EXCEPTIONS

N/A

5. FORMS ASSOCIATED WITH THIS POLICY

- [Dual Incumbency Request Form](#)